

**REMARKS/ARGUMENTS**

After the foregoing Amendment, Claims 20, 22 – 25, 31 and 33 – 37 are currently pending in this application. Claims 1 – 19, 21, 26 – 30 and 32 have been canceled without prejudice. Claims 20, 22, 25, 31, 35 and 36 have been amended. Support for the amendments is found Figure 12 and in the description at paragraphs [0066] - [0071]. Applicants submit that no new matter has been introduced into the application by these amendments.

**Allowable Subject Matter**

The Examiner is thanked for indicating that claims 25 and 35 contain allowable subject matter. Accordingly, claims 25 and 35 have been rewritten in independent form.

**Objections to the Drawings**

The Examiner indicated in the Action that in figure 12, box 1226 requires labeling. Applicants respectfully point out that the specification (at paragraph [0070] of the publication) sets forth that interface modules 1226 are indicated individually by references 1226a, 1226b, 1226c, and 1226d.

Accordingly, no correction is believed to be required.

**Claim Rejections - 35 USC § 112**

Claims 26 – 30 were rejected under 35 U.S.C. § 112, second paragraph as indefinite. The cancellation of those claims renders the rejection moot.

**Claim Rejections - 35 USC § 102**

Claims 20, 21, 23, 24, 31 – 34 and 36 – 37 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,456,239 to Werb.

Applicants respectfully traverse the rejection

Independent claim 20 is directed to a system for tracking and auditing the movement of persons in a facility and has been amended to include the feature of “each passive receiver having a scanning antenna installed around a perimeter of a passageway in the facility, the plurality of scanning antennas being located throughout the facility”.

Independent claim 31 is directed to a method for tracking and auditing the movement of persons in a facility and has been amended to include the features of “using a first network of scanning antennas installed around perimeters of passageways in the facility so as to track movement of said persons” and “actively polling said transmitters by sending one or more polling requests using a second network of active antennas located throughout the facility”.

With regard to the fact that claim 20 includes a first network having a plurality of receivers and a second network having a plurality of transceivers, the Examiner very briefly notes on page 4 of the Office Action that Werb states "a second network containing controller 10 polls the transmitters and generates an audit record for each of the transmitters". The Examiner references column 10, line 52 to column 13, line 18, With respect, this portion of Werb contains no teaching of a system for tracking and auditing movement of persons of a facility that includes a first network having a plurality of passive receivers installed around the perimeter of passageways in the facility for passively tracking the movement of persons by receiving identification signals broadcast by the transmitters affixed to persons, and a second network having a plurality of active transceivers for periodically polling the transmitters and receiving the identification signals in response so as to audit the availability and responsiveness of the transmitters being passively tracked by the first network. The portion of Werb referenced by the Examiner simply describes a system having a single controller and four antennas. This single system of a controller and four antennas collects data from tags within the four zones. As described in Werb, the data is partly distance data from each of the antennas. A history of distance data may be collected to attempt to build Boolean rules for determining when a tag is in a particular zone or area, Nowhere within Werb is a system described which includes a first network having a plurality of passive

receivers where each passive receiver has a scanning antenna installed around a perimeter of a passageway in the facility for receiving an identification signal from transmitters worn by persons in the facility, and the second network having a plurality of active transceivers configured to poll the transmitters periodically to receive identification signals in response to the polling request, and a controller receiving identification from the first and second networks and having a component for generating an audit record for each of the transmitters.

In short, neither Werb nor any of the other cited references teach these features found in independent claims 20 and 31, as amended. Claims 22 – 24 and 33 – 34; 36 – 37 depend upon claims 20 and 31, respectively, which the Applicants believe are allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §102 rejection of claim 20, 22 – 24, 31, 33 – 34, 36 and 37 is respectfully requested.

**Claim Rejections - 35 USC § 103**

Claims 1 – 19 were rejected under 35 U.S.C. § 103(a) as obvious over Werb in view of U.S. Patent No. 7,394,370 to Chan.

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**Application No.:** 10/589,128

Claims 26 – 30 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Application Publication No. 2005/0248438 to Hughes in view of U.S. Patent No. 6,052,062 to Tuttle.

The cancellation of 1 – 19 and 26 – 30 renders the rejection of those claims moot.

Claim 22 was rejected under 35 U.S.C. § 103(a) as obvious over Werb in view of U.S. Patent Application Publication No. 2007/0257857 to Marino.

Applicants respectfully traverse the rejection.

Claim 22 has been amended to depend from claim 20, which in turn has been amended to include, inter alia, the feature of “each passive receiver having a scanning antenna installed around a perimeter of a passageway in the facility, the plurality of scanning antennas being located throughout the facility”. As discussed above, this is simply not shown in Werb nor is it taught by Marino.

Accordingly, withdrawal of the § 103 rejection of claim 22 respectfully requested.

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**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 20, 22 – 25, 31 and 33 – 37, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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